

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TOI HORN and  
RILEY TROY GRAHAM,

Plaintiffs,

Case No. 20-cv-12823  
Hon. Matthew F. Leitman

v.

RONALD W. WATERSTREET, *et al.*,

Defendants.

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**ORDER (1) DISMISSING PLAINTIFF TOI HORN WITHOUT  
PREJUDICE AND (2) DIRECTING PLAINTIFF RILEY TROY GRAHAM  
TO FILE SUMMONSES AND SERVE THE DEFENDANTS**

On August 28, 2020, Plaintiffs Toi Horn and Riley Troy Graham filed this action against Defendant Ronald W. Waterstreet and others. Pursuant to Local Rule 11.2, Horn and Graham must “promptly file a notice with the Clerk and serve a copy of the notice on all parties whenever [their] address[es], e-mail address[es], phone number[s] and/or other contact information changes.” (*See* Notice, ECF No. 6, citing E.D. Mich. Local Rule 11.2.) The failure to do so “may subject [them] to appropriate sanctions, which may include dismissal, default judgment, and costs.” E.D. Mich. Local Rule 11.2.

With respect to Plaintiff Horn, he has failed to comply with Local Rule 11.2 by informing the Court of his current mailing address. Indeed, a notice that the Court

mailed to Horn at the address he provided returned to the Court as undeliverable. (See ECF No. 7.) This is not a mere technical violation of the rules. Without a current address or accurate contact information, the Court has no way of administering this civil action as to Horn or a way to contact him. Therefore, because Horn has failed to comply with Local Rule 11.2, the Court **DISMISSES** him from this action without prejudice.

With respect to Plaintiff Graham, his contact information appears to be current, and he paid the required filing fee in this action on January 19, 2021. (See *Dkt.*) But it does not appear that he has taken any steps to serve the Complaint on the Defendants. Accordingly, the Court **DIRECTS** Graham, by no later than **August 30, 2021**, to provide summonses for each Defendant to the Clerk's Office. Once he does so, the Clerk's Office will prepare the summonses and return them to Graham. Graham will then be responsible for serving the summonses and the Complaint on each Defendant. If Graham fails to comply with this order, by either not providing summonses to the Clerk's Office by **August 30, 2021**, or by not timely serving the summonses and the Complaint on the Defendants once the completed summonses are returned to him, the Court will dismiss this action without prejudice.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
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MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 20, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 20, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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